

1 BARRY J. PORTMAN
Federal Public Defender
2 COLLEEN MARTIN
Assistant Federal Public Defender
3 555 - 12th Street
Suite 650
4 Oakland, CA 94607-3627
Telephone: (510) 637-3500
5
Counsel for Defendant RAFAEL VERDUZCO
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 09-864 SBA
)	
12 Plaintiff,)	STIPULATION AND ORDER
)	
13 vs.)	Date: September 22, 2009
)	Time: 9:00 a.m.
14 RAFAEL VERDUZCO,)	Courtroom: Honorable Sandra Brown
)	Armstrong
15 Defendant.)	
)	

16
17 The above-captioned matter is set for September 22, 2009, before this Court for a status
18 hearing. The parties jointly request that this Court continue the matter to October 6, 2009, at
19 9:00 a.m. and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. §§
20 3161(h)(7)(A) and (B)(iv), between the date of this Stipulation and October 6, 2009.

21 Defendant Rafael Verduzco is charged in a one-count indictment with violating 21
22 U.S.C. § 841(a)(1), (b)(1)(C), distribution of methamphetamine. Mr. Verduzco, who was
23 arraigned on September 1, 2009, has not yet made his initial appearance before the district court.
24 The status of the case is that the government is in the process of providing discovery to the
25 defense. In addition, the parties are in the process of negotiating a protective order with respect
26 to some of that discovery. Once the defense receives discovery, defense counsel will need to

1 review and discuss it with Mr. Verduzco.

2 The requested continuance will allow time for the parties to negotiate a protective order
3 and for the government to provide discovery to the defense, as well as to allow counsel for the
4 defense an opportunity to review that discovery and discuss it with Mr. Verduzco. The failure to
5 grant such a continuance would unreasonably deny counsel the reasonable time necessary for
6 effective preparation, taking into account the exercise of due diligence.

7 The parties further stipulate and agree that the time from the date of this Stipulation to
8 October 6, 2009, should be excluded in accordance with the provisions of the Speedy Trial Act,
9 18 U.S.C. §§ 3161(h)(7)(A) on the basis that the ends of justice are served by taking such action
10 which outweigh the best interest of the public and the defendant in a speedy trial and also under
11 subsection (B)(iv) for effective preparation of counsel, taking into account the exercise of due
12 diligence.

13
14 DATED: September 15, 2009

_____/S/
WADE RHYNE
Assistant United States Attorney

15
16 DATED: September 15, 2009

_____/S/
COLLEEN MARTIN
Assistant Federal Public Defender

17
18
19 SIGNATURE ATTESTATION

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by
21 a “conformed” signature (/S/) within this e-filed document.
22
23
24
25
26

ORDER

GOOD CAUSE APPEARING, and pursuant to the stipulation of the parties, IT IS HEREBY ORDERED that the status conference date in this case, currently scheduled for September 22, 2009, at 9:00 a.m. before the Honorable Saundra Brown Armstrong, is VACATED and RESET to October 6, 2009, at 9:00 a.m.

IT IS FURTHER ORDERED that the time from the date of this Order to October 6, 2009, should be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv) for adequate preparation of counsel. The Court finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy and public trial and the failure to grant the requested continuance would unreasonably deny counsel the reasonable time necessary for effective preparation, taking into account due diligence, given the need for the parties to negotiate a protective order, the need for the government to complete the process of providing the defense with discovery, and the need for the defense to review and discuss the discovery.

SO ORDERED.

DATED: 9/15/09


SAUNDRA BROWN ARMSTRONG
United States District Judge